

DECLARATION FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. **NWISP048**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: MULTI-PROCESSING IN A BIOS ENVIRONMENT, the specification of which,

(check one)

1. ☒ is attached hereto.

2. ☐ was filed on _____ as
U.S. Application No. _____
and was amended on _____

3. ☐ was filed on _____ as
International PCT Application Serial No. _____
and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, CFR §1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

			Priority Benefits Claimed?	
			Yes	No
_____ (Appl. No.)	_____ (Country)	_____ (Date Filed- Day/Month/Year)	____	____
_____ (Appl. No.)	_____ (Country)	_____ (Date Filed- Day/Month/Year)	____	____

Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

_____ (Application No.)	_____ (Filing Date)
_____ (Application No.)	_____ (Filing Date)

Prior U.S. Application(s)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application No.)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
_____ (Application No.)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)

Send Correspondence To:

Customer Number: 022434



Direct Telephone Calls To:

Joseph M. Villeneuve at telephone number (510) 843-6200

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name of

Sole or First Inventor: David S. Edrich

Citizenship: U.S.

Inventor's signature: *David S. Edrich*

Date of Signature: 6/10/03

Residence: (City) Austin

(State/Country) Texas/U.S.

Post Office Address: 9300 Knoll Crest Loop, Austin, Texas 78759

Applicant/Patentee: NEWISYS, Inc.

Application or Patent No. Not yet assigned

Atty Docket # NWISP048

Filed or Issued: Herewith

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(c)--SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official empowered to act on behalf of the small business concern identified below:

NAME OF CONCERN: NEWISYS, INC.

ADDRESS: 10814 Jollyville Road, Bldg. 4, Suite 300, Austin, Texas 78759-5659

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under 41(a) and (b) of Title 35, U.S. Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: MULTI-PROCESSING IN A BIOS ENVIRONMENT, by inventor(s) David S. Edrich, described in

☒ the specification filed herewith.

☐ Application No. _____ filed _____

☐ patent # _____ issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).
*Note: separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: _____

Address: _____

☐ individual ☐ small business concern ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Chris Walton

TITLE IN ORGANIZATION: Vice President of Corporate Development and Strategy

SIGNATURE _____

DATE 6/10/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David S. Edrich

Attorney Docket No.: NWISP048

Application No.: Not yet assigned

Examiner: Not yet assigned

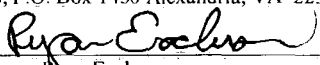
Filed: Herewith

Group: Not yet assigned

Title: MULTI-PROCESSING IN A BIOS
ENVIRONMENT

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on June 23, 2003 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number EV332825532US, addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.


Ryan Eachus

**POWER OF ATTORNEY BY ASSIGNEE, 37 CFR §3.73 STATEMENT, AND EXCLUSION
OF INVENTOR UNDER 37 CFR §3.71**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Newisys, Inc. is the assignee of the above-referenced patent application by virtue of an assignment document. The assignment document is/was recorded:

☐ at Reel ___, Frame(s) ___

☐ on _____

☒ submitted concurrently herewith

The assignee represents, pursuant to 37 C.F.R. §3.73(b), that the undersigned is a representative authorized and empowered to sign on behalf of the assignee.

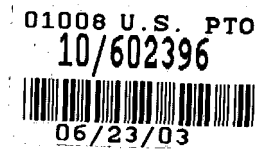
Pursuant to 37 C.F.R. §§1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and hereby appoints the law firm of Beyer Weaver & Thomas, LLP and all practitioners who are associated with the **Customer Number 022434** as principal attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please send all correspondence for this application as follows:

Customer Number 022434
BEYER WEAVER & THOMAS, LLP
P.O. Box 778
Berkeley, CA 94704-0778



Please direct any calls to **Joseph M. Villeneuve** (510) 843-6200.



Further, pursuant to 37 C.F.R. §3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

Assignee of Interest:

Newisys, Inc.
10814 Jollyville Road
Bldg. 4, Suite 300
Austin, Texas 78759-5659

Date

6/10/03

Name:

Chris Walton

Title:

Vice President of Corporate Development
and Strategy

ASSIGNMENT OF PATENT APPLICATION

Whereas I, an undersigned inventor, have invented certain new and useful improvements as set forth in the patent application entitled:

MULTI-PROCESSING IN A BIOS ENVIRONMENT

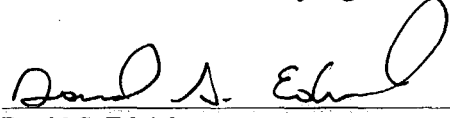
(Atty. Docket No. NWISP048), (check one)

- ☒ for which I have executed a U.S. patent application on even date herewith. (Accompanying)
☐ which bears U.S. application No. _____. (Not accompanying)
☐ which is a U.S. provisional application. (Accompanying)

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, an undersigned inventor, hereby:

- 1) Sell, assign and transfer to NEWISYS, Inc., a Delaware corporation having a place of business at 10814 Jollyville Road, Bldg. 4 Suite 300, Austin, Texas 78759 ("ASSIGNEE"), the entire right, title and interest in any and all improvements and inventions disclosed in, applications based upon, and patents granted upon (including foreign patents and the right to claim priority), the above-referenced application.
- 2) Authorize and request the Commissioner of Patents to issue any and all United States Patents resulting from said application or any division, continuation, substitute, renewal, re-examination or reissue thereof to the ASSIGNEE.
- 3) Agree to execute all papers and documents and, entirely at the ASSIGNEE's expense, perform any acts which are reasonably necessary in connection with the prosecution of said application, as well as any derivative applications thereof, foreign applications based thereon, and/or the enforcement of patents resulting from such applications.
- 4) Agree that the terms, covenants and conditions of this assignment shall inure to the benefit of the ASSIGNEE, its successors, assigns and other legal representatives, and shall be binding upon the inventor, as well as the inventor's heirs, legal representatives and assigns.
- 5) Warrant and represent that I have not entered and will not enter into any assignment, contract, or understanding that conflicts with this assignment.
- 6) Authorize and request my attorney/agent to insert above the application No. in order to assist with recordal of this assignment.

Signed on the date indicated beside my signature.

1) Signature: 
Typed Name: David S. Edrich

Date: 6/10/03